

**REQUEST FOR COURT DIRECTION**



TO: HONORABLE KENNETH M. KARAS  
United States District Judge

FROM: SARA K. ANDERSON  
U.S. Probation Officer

RE: ROBERTO MONTGOMERY AND NARESH PITAMBAR  
S4 05-CR-1067 (KMK)

DATE: October 1, 2007

---

We are respectfully requesting direction from the Court as to whether to proceed with the presentence investigation at this time.

On May 10, 2007, Roberto Montgomery was found guilty of Count 15: Stolen Goods Conspiracy and Naresh Pitambar was found guilty of Count 1: Conspiracy to Commit Bank Fraud. Sentencing was scheduled for October 12, 2007. However, defense counsel for both Montgomery and Pitambar declined to have the defendants interviewed for the purpose of the presentence report as a result of pending Rule 29 motions. We are therefore seeking direction from the Court, whether to proceed with the presentence investigation.

If we are directed not to proceed, by copy of this memorandum we request that the Government provide us 90 days notification of the actual sentence date by contacting Case Administrator Eve Santiago at 212-805-5147, so that the presentence investigation can be assigned, completed and disclosed to counsels in accordance with Rule 32.

Respectfully submitted,

Sara K. Anderson  
U.S. Probation Officer  
212-805-5057

Approved:

Claude Jean Baptiste  
Supervising U.S. Probation Officer  
212-805-5187

Would Your Honor please indicate the course of action to be taken.

Proceed with the investigation\_\_\_\_\_

Do not proceed at this time - Sentence is adjourned until December 12, 2007

Other\_\_\_\_\_

10/4/07

Date

  
HONORABLE KENNETH M. KARAS  
U.S. District Court Judge

cc: E. Danya Perry, danya.perry@usdoj.gov  
Daniel Levy, daniel.levy@usdoj.gov

Thomas Hamilton Nooter, thnooter@cs.com  
Denis Patrick Kelleher, Jr., dpkesq@wsaccess.com